1947.

File No. B. Town Plan 47

Legal & Dept.

B **BRANCH**

Subject:— The Bombay Town Planning Bill — 1947

P 17E

L.A. Bill No. VIII of 1947

Bom. Act No. XXIII of 1947

File No. B. Town Plan/47

Gen. 194 a.

540-B

C O N T E N T S.

Legal Department File No. B. Town Planning/47

Cr No.	Compilation No.	Subject	pages
		a Bill to repeal the Bombay Town Planning (Amdt) act, 1942 and to be enact certain provision thereof	
1.	U.R. to G.D. No. 1156-L dt. 10th Sept. 1946	Draft Bill	1 - 2
2.	G.L.L.D No 3613 dt. 14th April 1947	Seeking Governor's assent	3 - 6
3.	L.D.R.I.No. 4776 dt. 10th May 1947 April	Governor-General's assent Repugnancy of the Bill	7 - 8
4.	L.D.R.I.No. 5744 dt. 12th May1947	Governor General's Assent	9 - 10
5.	G.R.L.D'No. 852 dt. 23rd Jan. 1947	Publication of the Bill	11- 16
6.	G.R.L.D No. 4857 dt'13th May 1949	Publications of the Bill	17 - 22
		Bill and Debates	23 - 28

.C. 4 Copies K6-5-

4.4.1916

86/25/16

Office of the R.L.A.

A revised draft Bill, with Statement of objects and Reasons is sent herewith.

2. Clause 2 of the Bill which re-enacts section 2 of Bombay Act IV of 1942 provides for vesting of the property in His Majesty during the period of the supersession or dissolution of a municipality. This provision is repugnant to the existing provisions contained in sections 24 and 41 of the Bombay Town Planning Act, 1915. which is an existing Indian Law relating to entry No. 8 in the Concurrent Legislative List. The Bill will therefore have to be reserved for the consideration of the Governor General with Ref to Governor of India Act, 1935. section 107(2) of the The Bill does not require any sanction or recommendation under the Government of Indian Act, 1935; nor does it affect any special responsibility of the Governor under the said Act.

Sd/ 10-10

O.C.

Remembrancer of Legal Affairs.

U.R. to F.D. No. 1156-L, dated 10th September 1946.

S.C. 5 Copies
16-5-

No. 3613

Legal Department
Bom. Castle

14th April 1947.

From

D.V.Vyas, Esquire, I.C.S.
Secretary to the Government of Bombay.

To,

The Secretary to the Governor of Bombay.

Subject.-A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

Sir.

With reference to section 75 of the Government of India Act, 1935, I am directed to forward for being presented to His Excellency the Governor, an authentic copy of a Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 20th and 28th February 1947, respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b) or (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 13,14 and 21 in List II and entry 8 in List III in the Seventh Schedule to the Government of India Act, 1935.

4. Clause 2 of the Bill which re-enacts section 2 of Bombay Act IV of 1942 provides for vestingo of the property in His Majesty during the period of the supersession or in dissolution of a Municipality. This provision is repugnant to the existing provision contained in sections 24 and 41 of the Bombay Town Planning Act, 1915, which is an existing Indian law relating to entry 3 in the Concurrent Legislative

S.e.
4 Copies
16-5-

list. The Bill will therefore have to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. I am also to forward herewith six copies of each of

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of objects and Reasons	THE ITEMS Nos. 1 to 3 and two copies of item No.4 of the papers noted in the margin. The Bill was not referred to a Select Committee.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 20th February 1947 and of the Bombay Legislative Council dated the 28th February 1947.	

I have the honour to be,

Sir,

Your most obedient servant.

Secretary to the Government of Bombay.

Legal Department.

Through

The Secretary to the Government of Bombay,

General Department.

LDR.

S.C.

4 C. 16-5-

No. G.S. 1276

Office of the Governor's Secretary,
Government House,
Bombay, 18th April 1947.

From

D. Symington , Esquire, C.I.E., I.C.S.
Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislative. Assembly / Council

Subject.-The Bombay Town Planning (Amendment) Bill 1947.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 20th and 28th February 1947 respectively, I am directed to state, for the information of the Honourable the Speaker / President that clause 2 of the Bill which re-enacts section 2 of Bombay Act IV of 1942 provides for vesting (to) the property in His Majesty during the period of the supersession or dissolution of a Municipality. This provision is repugnant to the existing provision contained in sections 24 and41 of the Bombay Town Planning Act, 1915, which is an existing Indian Law relating to entry 5 in List XII in the Seventh Schedule to the Government of India Act, 1935, It will thereefore, be necessary to reserve the bill for the consideration of H.s Excellency the Governor-General with reference to section 107 (2) of the Government of India Act, 1935. H.s Excellency the Governor is accordingly pleased under section 75 of the Act, to ~~xx~~ declare that he reserves the Bill for the consideration of the Governor-General.

Your obedient servant,

Sd/ D. Symington

Secretary to the Governor of ~~Bomb~~ Bombay

No. G.S.1276.
Office of the Governor's Secretary/
Government House
Bombay. 18th April 1947.

Copy forwarded with compliments to.-

The Secretary to Government, Legal Department with reference to his letter No.3613, dated the 14th April 1947.

The Secretary to Government, General Department with reference to his endorsement dated 16th April 1947.

By order of the Governor of Bombay.

Sd/-

Secretary to the Governor of Bombay.

J.c. 4 C. 18-5-

No. G.S. 1578
Office of the Governor's Secretary
Government House.
Bombay , 10th May 1947.

From

D. Symington, Esquire, C.I.E., I.C.S.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject.- The Bombay Town Planning (Amendment) Bill, 1947.

Sir,

With reference to the correspondance resting with my endorsement No. G.S. 1276, dated the 18th April 1947, on the above subject, I am directed to forward herewith the authentic copy of the Bombay Town Planning (Amendment) Bill, 1947, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd/

Secretary to the Governor of Bombay

S.C.
4 Copies 16-5-

Bills.

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

GOVERNMENT OF BOMBAY

Legal Department.

Resolution No. 852

Bombay Castle, 23rd January 1947.

Memorandum from the General Department, No. 4066/33-A dated the 29th January 1947,.- Transferring for necessary action the papers relating to a Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

RESOLUTION ,- The Bill with the Statement of objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette. dated the 23rd January 1947, as Bill No. VIII of 1947.

2. The Bill and the Statement of Objects and reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (In Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 29th January 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay.

K.M. CHITNVIS

Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the S.O. R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay L Legislative Assembly and 25 copies for the use of the Legal Department).
The General Department
The Secretary Oriental Translator to Government)
The Secretary to the Bombay) with a copy of
Legislative Assembly.) the Bill and
The Director of Publicity, Bombay.) S.O.R.
)

With five extra copies of the Bill.

S.E.
4 Copies 1605

Acts.

Publication of the Bombay Town Planning (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY
Legal Department
Resolution No. 4857
Bombay Castle, 13th May 1947.

Letter to the Secretary to the Governor No. 3613, dated the 14th April 1947.

Letter from the Secretary to the Governor No.G.S. 1578, dated the 10th May 1947.

"With reference to the correspondence resting with my endorsement No.G.S 1276, dated the 18th April 1947, on the above subject, I am directed to forward herewith the authentic copy of the Bombay Town Planning (Amendment) Bill, 1947, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION,- The law should be published as Bombay Act NO. XXIII of 1947 in the Bombay Government Gazette, dated the 13th May 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Health and Local Government Department with reference to the memo. from the General Department No, 4065/33-A dated the 20th January 1947.

By order of the Governor of Bombay.

P?M?Lad,
Secretary to Government,

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a ruquest that 30 Gazette copies of the Act may be forwarded to the Legal Department.

The Health and Local Government Department
The Oriental Translator to Government
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly.
The Director of Publicity. Bom

} With a copy of the Act.

With five extra copies of the Act.

MRP
12/5

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. VIII OF 1947.

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

26 Geo. 5, Ch. 2. Bom. IV of 1942. WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions of the said Act ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bombay Town Planning (Amendment) Act, 1947.

Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof. Bom. IV of 1942. 2. The Bombay Town Planning (Amendment) Act, 1942, is hereby repealed and section 2 of the said Act is re-enacted.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendments made by Bombay Act No. IV of 1942 in the Bombay Town Planning Act, 1915. It is therefore proposed to repeal that Act and re-enact section 2 thereof.

Dated 16th January 1947. (Signed) G. D. VARTAK.

By order of the Governor of Bombay,

Bombay, dated 23rd January 1947. K. M. CHITNVIS,
Assistant Remembrancer of Legal Affairs.

P Ek Hb 294

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. VIII OF 1947.

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

26 Geo. 5, Ch. 2. Bom. IV of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions of the said Act ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1947.

Bom. IV of 1942.

Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof.

2. The Bombay Town Planning (Amendment) Act, 1942, is hereby repealed and section 2 of the said Act is re-enacted.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendments made by Bombay Act No. IV of 1942 in the Bombay Town Planning Act, 1915. It is therefore proposed to repeal that Act and re-enact section 2 thereof.

Dated 16th January 1947. (Signed) G. D. VARTAK.

By order of the Governor of Bombay,

Bombay, dated 23rd January 1947. K. M. CHITNVIS,
Assistant Remembrancer of Legal Affairs.

P Ek Hb 294

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. VIII OF 1947.

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

(As read for the third time and passed by the Legislative Assembly on the 20th February 1947.)

26 Geo. 5, Ch. 2. Bom. IV of 1942.

WHEREAS in view of the provisions of sub-section (*4*) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions of the said Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1947.

Bom. IV of 1942.

Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof.

2. The Bombay Town Planning (Amendment) Act, 1942, is hereby repealed and section 2 of the said Act is re-enacted.

P Bk Hb 272

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendments made by Bombay Act No. IV of 1942 in the Bombay Town Planning Act, 1915. It is therefore proposed to repeal that Act and re-enact section 2 thereof.

Dated 16th January 1947.

G. D. VARTAK.

Government of Bombay

LEGAL DEPARTMENT

G. D. VARTAK.

[L. A. BILL No. VIII OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 20th February 1947.)

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

[Mr. G. D. VARTAK, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

59

L. A. BILL No. VIII OF 1947.

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

(As read for the third time and passed by the Legislative Assembly on the 20th February 1947.)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

26 Geo. 5, Ch. 2. Bom. IV of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions of the said Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1947.

Bom. IV of 1942.

Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof.

2. The Bombay Town Planning (Amendment) Act, 1942, is hereby repealed and section 2 of the said Act is re-enacted.

P Bk Hb 332

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. VIII OF 1947.

(As read for the third time and passed by the Legislative Assembly on the 20th February 1947.)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

[Mr. G. D. VARTAK, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Registered No. B-8

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 13TH MAY 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGE
BOMBAY ACT No. XXIII OF 1947—An Act to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof	243

The following Act of the Bombay Legislature having been assented to by the Governor General on the 2nd May 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXIII OF 1947.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 13th May 1947.)

An Act to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof.

26 Geo. 5, Ch. 2. Bom. IV of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions of the said Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1947.

Bom. IV of 1942.

Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof.

2. The Bombay Town Planning (Amendment) Act, 1942, is hereby repealed and section 2 of the said Act is re-enacted.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. VIII OF 1947 [A BILL TO REPEAL THE BOMBAY TOWN PLANNING (AMENDMENT) ACT, 1942, AND TO RE-ENACT CERTAIN PROVISIONS THEREOF].

Mr. G. D. VARTAK (Minister for Local Self-Government): Sir, I beg to introduce L. A. Bill No. VIII of 1947 [A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof].

The Deputy SPEAKER: The Bill is introduced.

First Reading.

Mr. G. D. VARTAK: Sir, I beg to move that L. A. Bill No. VIII of 1947 [A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof] be read a first time.

Question proposed.

Mr. G. D. VARTAK: Sir, this Bill is quite simple and I shall not take much time of this House.

Under section 9 (*1*) of the Bombay Town Planning Act, a local authority can declare its intention to make a town planning scheme. However, in 1941, doubts were raised as to whether an Administrator of a superseded municipality could exercise the power conferred upon the local authority to make a town planning scheme. The whole question was examined by Government and it was held that, under the law as it existed then, the Administrator could not carry out the town planning scheme. Government, however, felt that town planning schemes, especially in relation to slum clearance, should be carried out by the Administrator. The Town Planning Act was accordingly amended in 1942. It is now considered desirable to give permanent effect to that amendment and, therefore, the present Bill is meant to repeal Bombay Act IV of 1942 and to re-enact section 2 thereof.

With this explanation, I hope the hon. Members will accept the first reading of the Bill.

The DEPUTY SPEAKER: I will now put the question to the House. The question is that the Bill be read a first time.

Mr. A. A. KHAN: What was the provision of the Governor's Act. We do not know that.

The DEPUTY SPEAKER: The hon. Member has lost his opportunity to speak on the first reading. That stage is passed now.

Mr. A. A. KHAN: Government do not give the necessary information at the proper time and that is why the debate is always protracted.

The DEPUTY SPEAKER: Hon. Members will kindly remember that they have to be prompt. I waited to see if any hon. Member wanted to speak; as no hon. Member got up, I put the question to the House.

Question put, and agreed to.

Second Reading.

Mr. G. D. VARTAK: Sir, I beg to move that L. A. Bill No. VIII of 1947 [A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof] be read a second time.

Question put, and agreed to.

Bill read clause by Clause.

Clause 2 (*Repeal of Bom. IV of 1942 and re-enactment of section 2 thereof*) ordered to stand part of the Bill.

Clause 1 (*Short title*) and the Preamble ordered to stand part of the Bill.

Third Reading.

Mr. G. D. VARTAK : Sir, I beg to move that L. A. Bill No. VIII of 1947 [A Bill to repeal the Bombay Town Planning (Amendment) Act, 1942, and to re-enact certain provisions thereof] be read a third time and passed.

Question put, and agreed to.

The DEPUTY SPEAKER : The Bill is read a third time and passed.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.